

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON FISH, WILDLIFE AND PARKS

Call to Order: By **CHAIRMAN GEORGE GOLIE**, on February 15, 2005 at 3:00 P.M., in Room 152 Capitol.

ROLL CALL

Members Present:

Rep. George Golie, Chairman (D)
Rep. Paul Clark, Vice Chairman (D)
Rep. Scott Sales, Vice Chairman (R)
Rep. John Balyeat (R)
Rep. Arlene Becker (D)
Rep. Dee L. Brown (R)
Rep. Jill Cohenour (D)
Rep. Robyn Driscoll (D)
Rep. George Everett (R)
Rep. Tom Facey (D)
Rep. George G. Groesbeck (D)
Rep. Robin Hamilton (D)
Rep. Larry Jent (D)
Rep. Harry Klock (R)
Rep. Roger Koopman (R)
Rep. Mike Milburn (R)
Rep. Art Noonan (D)
Rep. Don Roberts (R)
Rep. John Ward (R)
Rep. Bill Warden (R)

Members Excused: None.

Members Absent: None.

Staff Present: Debra Polhemus, Committee Secretary
Doug Sternberg, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 305, 2/8/2005; HB 434, 2/8/2005;
HB 486, 2/8/2005; HB 560, 2/8/2005;
HB 668, 2/11/2005

Executive Action: HB 378; HB 394; HB 477; HB 515;
HB 516; HJ 13; HB 434

00:02:24 CHAIRMAN GOLIE passes chairman responsibilities to
VICE CHAIR CLARK.

HEARING ON HB 305

Opening Statement by Sponsor:

00:02:44 **REP. ELSIE ARNTZEN (R), HD 53**, opened the hearing
on **HB 305**, Allow admin fee (w/o social security #)
in lieu of wildlife conservation license.

EXHIBIT(fih37a01)

Proponents' Testimony:

00:05:50 **REP. JACK WELLS, HD 69**

00:08:01 Gary Marbut, Missoula, Montana Shooting Sports
Association

00:14:19 Doug Nulle, Attorney (Retired), Clancy

00:15:14 Alan Schallenberger, Sheridan resident

EXHIBIT(fih37a02)

Opponents' Testimony:

00:16:21 Amy Pfeifer, Attorney, Child Support Enforcement
Division, Montana Department of Health and Human
Services

Informational Testimony: None.

Questions from Committee Members and Responses:

00:26:41 **REP. KOOPMAN**

00:33:25 **REP. WARDEN**

Closing by Sponsor:

00:36:26 **REP. ELSIE ARNTZEN (R), HD 53** closed the hearing
on **HB 305**.

00:39:03 Representative Golie resumed position as Chairman

HEARING ON HB 486

Opening Statement by Sponsor:

00:43:24 **REP. DAVE GALLIK (D), HD 79**, opened the hearing on
HB 486, Revise hunting and fishing access laws-
outfitter sponsored licenses.

Proponents' Testimony:

00:47:15 Robert A. Throssell, Montana Wildlife Federation
00:50:14 Bill Orsello, Helena Hunters and Anglers

EXHIBIT(fih37a03)

00:52:51 Richard Shreeves, Helena resident
00:55:07 Jim Kehr, Helena resident
00:57:49 Tony Schoonen, Public Lands Access Association
00:58:31 Leroy Mehring, Skyline Sportsman Association,
Butte

Opponents' Testimony:

00:59:42 Jeff Hagener, Director, Montana Fish, Wildlife &
Parks

EXHIBIT(fih37a04)

EXHIBIT(fih37a05)

01:03:48 Jean Johnson, Montana Outfitters and Guides
Association

EXHIBIT(fih37a06)

01:09:32 Kelly Flynn, Townsend Rancher

EXHIBIT(fih37a07)

01:13:21 John Bloomquist, Montana Stock Growers Association
01:14:00 Jerry Jones, Rancher south of Billings
01:14:59 Beverly Fryer, Montana Cattle Women

Informational Testimony: None.

Questions from Committee Members and Responses:

01:15:59 REP. FACEY
01:19:12 REP. HAMILTON
01:20:28 CHAIRMAN GOLIE

Closing by Sponsor:

01:21:25 REP. DAVE GALLIK (D), HD 79, closed the hearing on
HB 486.

HEARING ON HB 560

Opening Statement by Sponsor:

01:25:17 REP. PAUL CLARK (D), HD 13, opened the hearing on
HB 560, Revise stream access laws.

EXHIBIT(fih37a08)

EXHIBIT(fih37a09)

Proponents' Testimony:

01:35:40 Hal Harper, Montana Governor's Office
01:37:33 Candace West, Montana Attorney General's Office
01:39:35 Jeff Hagener, Director, Montana Fish, Wildlife & Parks

EXHIBIT(fih37a10)

01:40:42 John Wilson, Conservation Director, Montana Trout Unlimited
01:44:05 Ted Coffman, Madison County Commissioner

EXHIBIT(fih37a11)

01:45:19 Tony Schoonen, Montana Coalition of Stream Access

EXHIBIT(fih37a12)

EXHIBIT(fih37a13)

01:46:55 Bill Holdorf, Butte, Public Land Access Association

EXHIBIT(fih37a14)

EXHIBIT(fih37a15)

01:48:50 Robin Cunningham, Fishing Outfitters Association of Montana
01:49:32 Leroy Mehring, Skyline Sportsman Association, Butte

EXHIBIT(fih37a16)

01:50:48 Howard Chrest, Madison County resident

EXHIBIT(fih37a17)

EXHIBIT(fih37a18)

01:51:14 Alan Schallenberger, Lewis and Clark Trout Unlimited
01:52:16 Darrell Baker, Anaconda Sportsman's Club

EXHIBIT(fih37a19)

01:52:43 Lorry Thomas, President, Anaconda Sportsman's Club
01:53:07 Earl Little, Ravalli Country, Fish and Wildlife
01:53:24 Nathan Birkeland, Montana Wildlife Federation

Opponents' Testimony:

01:53:42 John Bloomquist, Montana Stock Growers Association
02:02:52 Carol Mosher, Rancher, Augusta
02:04:23 Mike Murphy, Montana Water Resources Association
02:06:03 Don Allen, Western Environmental Trade Association (WETA)
02:06:43 John Bloomquist, speaking for John Youngberg, Montana Farm Bureau Federation

Informational Testimony: None.

Questions from Committee Members and Responses:

02:07:21 REP. BROWN
02:08:47 REP. GROESBECK
02:11:48 CHAIRMAN GOLIE
02:14:40 REP. WARD

Closing by Sponsor:

02:16:48 **REP. PAUL CLARK (D)**, HD 13, closed the hearing on
HB 560.

02:23:23 Break

02:41:12 Resume

HEARING ON HB 434

Opening Statement by Sponsor:

02:41:25 **REP. SCOTT SALES (R)**, HD 68, opened the hearing on
HB 434, Eliminate prohibition on game animal
contests based on size & attributes.

Proponents' Testimony: None.

Opponents' Testimony:

02:42:41 Jeff Hagener, Director, Fish, Wildlife & Parks
[EXHIBIT\(fih37a20\)](#)

02:43:59 Nathan Birkeland, Montana Wildlife Federation
Jack Rich, Rich Ranch via letter
[EXHIBIT\(fih37a21\)](#)

Informational Testimony: None.

Questions from Committee Members and Responses:

None.

Closing by Sponsor:

02:44:01 **REP. SCOTT SALES (R)**, HD 68, closed the hearing on
HB 434.

HEARING ON HB 668

Opening Statement by Sponsor:

02:44:52 **REP. ART NOONAN (D)**, HD 73, opened the hearing on
HB 668, Exceptions and exemptions to prohibitions
on exotic wildlife, testing facilities.

Proponents' Testimony:

02:47:28 Jeff Hagener, Director, Montana Fish, Wildlife &
Parks

[EXHIBIT\(fih37a22\)](#)

02:50:34 Janet Ellis, Montana Audubon and American
Fisheries Society

Opponents' Testimony:

02:52:31 Matt Schubarth, representing the pet industry,
member of the Exotic Review Board

Informational Testimony: None.

Questions from Committee Members and Responses:

02:54:33 REP. COHENOUR

02:57:10 REP. WARD

02:57:51 REP. BROWN

Closing by Sponsor:

02:59:25 REP. ART NOONAN (D), HD 73, closed the hearing on
HB 668.

EXECUTIVE ACTION ON HB 378

03:01:02 **Motion:** REP. FACEY moved that HB 378 DO PASS.

Discussion:

03:01:43 REP. FACEY

03:02:38 REP. COHENOUR

03:03:22 REP. JENT

03:04:23 **Vote:** Motion failed 6-14 by roll call vote with
REPS. COHENOUR, DRISCOLL, FACEY, GROESBECK,
HAMILTON, and NOONAN voting aye and REP. EVERETT
voting by proxy.

03:05:58 **Motion/Vote:** REP. FACEY moved that HB 378 BE
TABLED AND THE VOTE REVERSED. Motion carried 14-6
by voice vote.

EXECUTIVE ACTION ON HB 394

03:06:39 **Motion:** REP. FACEY moved that HB 394 DO PASS.

[EXHIBIT\(fih37a23\)](#)

[EXHIBIT\(fih37a24\)](#)

[EXHIBIT\(fih37a25\)](#)

[EXHIBIT\(fih37a26\)](#)

03:09:42 **Motion:** REP. CLARK moved that HB 394 BE AMENDED.

Discussion:

03:00:23 REP. CLARK

03:15:43 Vote: Motion carried 18-2 by voice vote with
REPS. EVERETT and SALES voting no and REP EVERETT
voting by proxy.

03:16:21 Motion: REP. CLARK moved that HB 394 DO PASS AS
AMENDED.

Discussion:

03:16:32 REP. COHENOUR

03:17:15 REP. SALES

03:17:45 REP. BALYEAT

03:18:38 REP. CLARK

03:19:29 Vote: Motion failed 9-11 by roll call vote with
REPS. BECKER, CLARK, COHENOUR, DRISCOLL, FACEY,
GOLIE, HAMILTON, JENT, and NOONAN voting aye and
REP. EVERETT voting by proxy.

03:20:41 Motion/Vote: REP. CLARK moved that HB 394 BE
TABLED AND THE VOTE REVERSED. Motion carried 11-9
by voice vote.

EXECUTIVE ACTION ON HB 477

03:21:09 Motion: REP. BROWN moved that HB 477 DO PASS.

03:21:18 Motion/Vote: REP. BROWN moved that HB 477 BE
AMENDED. Motion carried unanimously by voice vote.

03:22:17 Motion: REP. BROWN moved that HB 477 DO PASS AS
AMENDED.

Discussion:

03:22:29 REP. SALES

03:24:05 CHAIRMAN GOLIE

03:24:59 Jeff Hagener, Director, Fish, Wildlife & Parks

03:26:10 Doug Sternberg, Legislative Services Division

03:26:39 REP. FACEY

03:27:10 REP. JENT

03:27:36 REP. WARDEN

03:27:49 REP. WARD

03:28:20 Vote: Motion failed 4-16 by roll call vote with
REP. COHENOUR, REP. FACEY, REP. MILBURN, and REP.
NOONAN voting aye and REP. EVERETT voting by
proxy.

03:29:29 Motion/Vote: REP. SALES moved that HB 477 BE
TABLED AND THE VOTE REVERSED. Motion carried by
voice vote.

EXECUTIVE ACTION ON HB 515

03:30:13 Motion: REP. CLARK moved that HB 515 DO PASS.

Discussion:

03:30:24 REP. CLARK

03:31:21 REP. BROWN

03:31:31 Vote: Motion failed 9-11 by roll call vote with
REPS. BECKER, CLARK, COHENOUR, DRISCOLL, GOLIE,
GROESBECK, HAMILTON, JENT, and NOONAN voting aye
and REP. EVERETT voting by proxy.

03:32:41 Motion/Vote: REP. FACEY moved that HB 515 BE
TABLED AND THE VOTE REVERSED. Motion carried 11-9
by voice vote.

EXECUTIVE ACTION ON HB 516

03:32:56 Motion: REP. FACEY moved that HB 516 DO PASS.

Discussion:

03:33:28 REP. CLARK

03:35:21 REP. MILBURN

03:36:04 REP. KOOPMAN

03:36:41 REP. WARDEN

03:37:15 CHAIRMAN GOLIE

03:37:57 REP. BROWN

03:38:11 REP. FACEY

03:39:03 Doug Sternberg, Legislative Services Division

03:40:59 Vote: Motion failed 5-15 by roll call vote with
REPS. BECKER, COHENOUR, DRISCOLL, GROESBECK, and
NOONAN voting aye and REP. EVERETT voting by
proxy.

Motion/Vote: REP. FACEY moved that HB 516 BE
TABLED AND THE VOTE REVERSED. Motion carried 15-5
by voice vote.

03:43:35 Motion: REP. CLARK moved to have a letter drafted
to address the problem issues identified in HB
516.

Discussion:

03:43:55 REP. MILBURN

03:44:23 Vote: Motion carried 19-0 by voice vote.

EXECUTIVE ACTION ON HJ 13

03:44:51 Motion: REP. CLARK moved that HJ 13 DO PASS.

Discussion:

03:45:14 REP. JENT

03:46:59 REP. NOONAN

03:47:23 REP. CLARK

03:47:34 Vote: Motion carried 17-3 by roll call vote with REPS. BALLYEAT, DRISCOLL, and JENT voting no and REPS. FACEY, EVERETT, KLOCK, ROBERTS, HAMILTON and MILBURN voting by proxy.

EXECUTIVE ACTION ON HB 434

03:49:18 Motion: REP. SALES moved that HB 434 DO PASS.

03:49:24 Substitute Motion: REP. DRISCOLL made a substitute motion that HB 434 BE TABLED. Motion Carried by Voice Vote with REPS. HAMILTON and FACEY voting by proxy.

03:51:08

ADJOURNMENT

Adjournment: 7:00 P.M.

REP. GEORGE GOLIE, Chairman

DEBRA POLHEMUS, Secretary

GG/dp

Additional Exhibits:

EXHIBIT ([fih37aad0.TIF](#))